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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

12 **VERLA RENAY CLARK**
13 25562 Whitworth Drive
14 Madera, California 93638

15 Registered Nurse License No. 385074

16 Respondent.

Case No. 2008-190

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about March 31, 1985, the Board of Registered Nursing issued
23 Registered Nurse License Number 385074 to Verla Renay Clark ("Respondent"). The registered
24 nurse license will expire on October 31, 2008, unless renewed.

25 **Prior Discipline**

26 3. Effective January 22, 2007, pursuant to the Decision and Order in
27 Accusation No. 2005-159, the Board of Registered Nursing revoked Respondent's Registered
28 Nurse License No. 385074. However, the revocation was stayed and Respondent's license was

1 placed on probation for a period of five (5) years with conditions. A copy of the Decision and
2 Order is attached as **Exhibit A** and is incorporated herein by reference.

3 JURISDICTION

4 4. Section 2750 of the Business and Professions Code ("Code") provides, in
5 pertinent part, that the Board may discipline any licensee, including a licensee holding a
6 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
7 section 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
9 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license. Under Code
11 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
12 years after the expiration.

13 6. Code section 118, subdivision (b), provides, in pertinent part, that the
14 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
15 action during the period within which the license may be renewed, restored, reissued or
16 reinstated.

17 STATUTORY PROVISIONS

18 7. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed nurse
20 or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct . . . ,

22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

24 8. Code section 2762 states, in pertinent part:

25 In addition to other acts constituting unprofessional conduct within the
26 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

27 (b) Use any controlled substance as defined in Division 10 (commencing
28 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent

1 or in a manner dangerous or injurious to himself or herself, any other person, or
2 the public or to the extent that such use impairs his or her ability to conduct with
safety to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription,
4 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
5 record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

6 **COST RECOVERY**

7 9. Code section 125.3 provides, in pertinent part, that the Board may request
8 the administrative law judge to direct a licensee found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 **ACCUSATION**

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Criminal Conviction)**

14 10. Respondent is subject to disciplinary action under Code sections 2761,
15 subdivision (f), in that on March 21, 2007, in the Superior Court, County of Madera, Chowchilla
16 Division, California, in the matter entitled *People of the State of California vs. Verla Renay*
17 *Clark* (Sup. Ct. 2007, Case No. CCR017125), Respondent was convicted on her plea of no
18 contest of violating Vehicle Code section 23152, subdivision (a) (driving under the influence of
19 alcohol and/or drugs), misdemeanor. The circumstances of the crime are that on September 27,
20 2006, Respondent was arrested for driving a vehicle while under the influence of alcohol and/or
21 drugs or their combined influence. Such conduct is substantially related to the qualifications,
22 functions, and duties of a licensed registered nurse.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Criminal Conviction Involving Alcohol)**

25 11. Respondent is subject to disciplinary action under Code sections 2761,
26 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
27 subdivision (c), in that on March 21, 2007, Respondent was convicted of a crime involving
28 alcohol, as more particularly set forth in paragraph 10, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious)**

3 12. Respondent is subject to discipline under Code section 2761, subdivision
4 (a) on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (b), in
5 that on or about September 27, 2006, Respondent used alcoholic beverages to an extent, or in a
6 manner dangerous or injurious to herself or others, as more particularly set forth in paragraph 10,
7 above.

8 **PETITION TO REVOKE PROBATION**

9 13. Grounds exist for revoking the probation and reimposing the order of
10 revocation of Respondent's Registered Nurse License No. 385074. Condition 11 of the
11 Stipulated Settlement and Disciplinary Order states, in pertinent part:

12 If Respondent violates that conditions of her probation, the Board after
13 giving the Respondent notice and an opportunity to be heard, may set aside the
14 stay order and impose the stayed discipline (revocation/suspension) of the
Respondent's license.

15 If during the period of probation, an accusation or petition to revoke
16 probation has been filed against Respondent's license or the Attorney General's
17 Office has been requested to prepare an accusation or petition to revoke probation
against Respondent's license, the probationary period shall automatically be
extended and shall not expire until the accusation or petition has been acted upon
by the Board.

18 14. Respondent has violated the Probation Program, as set forth in the
19 following paragraphs:

20 **FIRST CAUSE TO REVOKE PROBATION**

21 **(Failure to Obey all Laws)**

22 15. At all times after the effective date of Respondent's probation, Condition
23 1, stated:

24 1. **Obey All Laws.** Respondent shall obey all federal,
25 state, and local laws. A full and detailed account of any and all
26 violations of law shall be reported by Respondent to the Board in
writing within seventy-two (72) hours of occurrence. To permit
27 monitoring of compliance with this term, Respondent shall submit
completed fingerprint cards and fingerprint fees within 45 days of
the effective date of the decision, unless previously submitted as
part of the licensure application process.

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2 If Respondent is under criminal court orders, including
3 probation or parole, and the order is violated, this shall be deemed
4 a violation of these probation conditions, and may result in the
5 filing of an accusation and/or petition to revoke probation.

6
7 16. Respondent's probation is subject to revocation because she failed to
8 comply with Probation Condition 1, referenced above, due to her following conduct:

- 9 a. On September 26, 2007. Respondent drove under the influence of alcohol and/or
10 drugs, resulting in a criminal conviction on March 21, 2007, in the Superior
11 Court, County of Madera, Chowchilla Division, in the matter entitled *People of*
12 *the State of California vs. Verla Renay Clark* (Sup. Ct. 2007, Case No.
13 CCR017125).
- 14 b. Respondent was arrested on August 17, 2007 for trespassing/refusing to leave
15 property, however, Respondent failed to inform the Board within seventy-two (72)
16 hours of the occurrence of this arrest.

17
18 **SECOND CAUSE TO REVOKE PROBATION**

19 **(Failure to Comply with the Probation Program)**

20
21 17. At all times after the effective date of Respondent's probation, Condition 2
22 states, in pertinent part:

23 2. **Comply with the Board's Probation Program.**
24 Respondent shall fully comply with the terms and conditions of the
25 probation established by the Board and cooperate with
26 representatives of the Board in its monitoring and investigation of
27 the Respondent's compliance with the Probation Program.
28 Respondent shall inform the Board in writing within no more than
15 days of any address change and shall at all times maintain an
active, current license status with the Board, including during any
period of suspension.

18. Respondent's probation is subject to revocation because she failed to
comply with Probation Condition 2, referenced above, due to her following conduct:

- a. On September 26, 2007. Respondent drove under the influence of alcohol and/or
drugs, resulting in a criminal conviction on March 21, 2007, in the Superior
Court, County of Madera, Chowchilla Division, in the matter entitled *People of*
the State of California vs. Verla Renay Clark (Sup. Ct. 2007, Case No.
CCR017125).


1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2005-159 and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 385074, issued to Verla Renay Clark; and,

7 2. Taking such other and further action as deemed necessary and proper.

8 DATED: 3/24/08
9

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11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant
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Exhibit A
Decision and Order
Board of Registered Nursing Case No. 2005-159

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

VERLA RENAY CLARK
25562 Whitworth Drive
Madera, CA 93638

Registered Nurse License No. 385074
Respondent

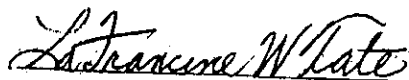
Case No. 2005-159

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on January 22, 2007.

IT IS SO ORDERED December 22, 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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of the State of California
2 JANA L. TUTON, State Bar No. 78206
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 VERLA RENAY CLARK
25562 Whitworth Drive
13 Madera, CA 93638

14 Registered Nurse License No. 385074

15 Respondent.

Case No. 2005-159

OAH No. 2006070025

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jana L.
23 Tuton, Deputy Attorney General.

24 2. Respondent Verla Renay Clark (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 31, 1985, the Board of Registered Nursing issued
27 Registered Nurse License No. 385074 to Verla Renay Clark (Respondent). The license is
28 currently in full force and effect, and will expire on October 31, 2006, unless renewed.

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JURISDICTION

4. No. 2005-159 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 21, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-159 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2005-159. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2005-159.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other

1 professional licensing agency is involved, and shall not be admissible in any other criminal or
2 civil proceeding.

3 CONTINGENCY

4 11. This stipulation shall be subject to approval by the Board of Registered
5 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
6 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
7 and settlement, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
9 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
10 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
11 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
12 between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 12. The parties understand and agree that facsimile copies of this Stipulated
15 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
16 force and effect as the originals.

17 13. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board may, without further notice or formal proceeding, issue and enter the
19 following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Registered Nurse License No. 385074 issued to
22 Respondent Verla Renay Clark (Respondent) is revoked. However, the revocation is stayed and
23 Respondent is placed on probation for five (5) years on the following terms and conditions.

24 **Severability Clause.** Each condition of probation contained herein is a separate
25 and distinct condition. If any condition of this Order, or any application thereof, is declared
26 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
27 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
28 and enforceable to the fullest extent permitted by law.

1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
2 A full and detailed account of any and all violations of law shall be reported by Respondent to
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Respondent shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Respondent's
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Respondent's license shall be fully
17 restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall
19 appear in person at interviews/meetings as directed by the Board or its designated
20 representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside
24 of California. Respondent must provide written notice to the Board within 15 days of any change
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

27 Respondent shall provide a list of all states and territories where she has ever been
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
3 new nursing license during the term of probation.

4 **5. Submit Written Reports.** Respondent, during the period of probation,
5 shall submit or cause to be submitted such written reports/declarations and verification of actions
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation
8 Program. Respondent shall immediately execute all release of information forms as may be
9 required by the Board or its representatives.

10 Respondent shall provide a copy of this Decision to the nursing regulatory agency
11 in every state and territory in which she has a registered nurse license.

12 **6. Function as a Registered Nurse.** Respondent, during the period of
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24
14 hours per week for 6 consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
20 Board.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation shall apply.

27 **7. Employment Approval and Reporting Requirements.** Respondent
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
2 performance evaluations and other employment related reports as a registered nurse upon request
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.
8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
9 terminated or separated, regardless of cause, from any nursing, or other health care related
10 employment with a full explanation of the *circumstances* surrounding the termination or
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board
13 regarding Respondent's level of supervision and/or collaboration before commencing or
14 continuing any employment as a registered nurse, or education and training that includes patient
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has
27 person-to-person communication with Respondent at least twice during each shift worked.

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1 (d) Home Health Care - If Respondent is approved to work in the home health
2 care setting, the individual providing supervision and/or collaboration shall have person-to-
3 person communication with Respondent as required by the Board each work day. Respondent
4 shall maintain telephone or other telecommunication contact with the individual providing
5 supervision and/or collaboration as required by the Board during each work day. The individual
6 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
7 site visits to patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
10 traveling nurse, or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse
12 unless the registered nursing supervision and other protections for home visits have been
13 approved by the Board. Respondent shall not work in any other registered nursing occupation
14 where home visits are required.

15 Respondent shall not work in any health care setting as a supervisor of registered
16 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
17 nurses and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing
19 or as an instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined
21 worksite(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the
23 Board may request documentation to determine whether there should be restrictions on the hours
24 of work.

25 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
26 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
27 than six months prior to the end of her probationary term.

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1 Respondent shall obtain prior approval from the Board before enrolling in the
2 course(s). Respondent shall submit to the Board the original transcripts or certificates of
3 completion for the above required course(s). The Board shall return the original documents to
4 Respondent after photocopying them for its records.

5
6 **11. Violation of Probation.** If Respondent violates the conditions of her
7 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
8 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
9 license.

10 If during the period of probation, an accusation or petition to revoke probation has
11 been filed against Respondent's license or the Attorney General's Office has been requested to
12 prepare an accusation or petition to revoke probation against Respondent's license, the
13 probationary period shall automatically be extended and shall not expire until the accusation or
14 petition has been acted upon by the Board.

15 **12. License Surrender.** During Respondent's term of probation, if she ceases
16 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
17 probation, Respondent may surrender her license to the Board. The Board reserves the right to
18 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
19 take any other action deemed appropriate and reasonable under the circumstances, without
20 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
21 will no longer be subject to the conditions of probation.

22 Surrender of Respondent's license shall be considered a disciplinary action and
23 shall become a part of Respondent's license history with the Board. A registered nurse whose
24 license has been surrendered may petition the Board for reinstatement no sooner than the
25 following minimum periods from the effective date of the disciplinary decision:

26 (1) Two years for reinstatement of a license that was surrendered for any
27 reason other than a mental or physical illness; or

28 (2) One year for a license surrendered for a mental or physical illness.

1 13. **Physical Examination.** Within 45 days of the effective date of this
2 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
3 physician assistant, who is approved by the Board before the assessment is performed, submit an
4 assessment of the Respondent's physical condition and capability to perform the duties of a
5 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
6 medically determined, a recommended treatment program will be instituted and followed by the
7 Respondent with the physician, nurse practitioner, or physician assistant providing written
8 reports to the Board on forms provided by the Board.

9 If Respondent is determined to be unable to practice safely as a registered nurse,
10 the licensed physician, nurse practitioner, or physician assistant making this determination shall
11 immediately notify the Board and Respondent by telephone, and the Board shall request that the
12 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
13 shall immediately cease practice and shall not resume practice until notified by the Board.
14 During this period of suspension, Respondent shall not engage in any practice for which a license
15 issued by the Board is required until the Board has notified Respondent that a medical
16 determination permits Respondent to resume practice. This period of suspension will not apply
17 to the reduction of this probationary time period.

18 If Respondent fails to have the above assessment submitted to the Board within
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
20 practice until notified by the Board. This period of suspension will not apply to the reduction of
21 this probationary time period. The Board may waive or postpone this suspension only if
22 significant, documented evidence of mitigation is provided. Such evidence must establish good
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
24 provided. Only one such waiver or extension may be permitted.

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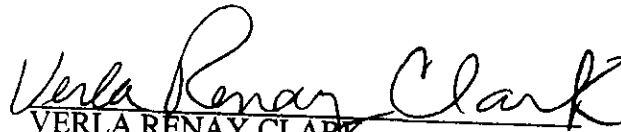
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 20 Sept 06



VERLA RENAY CLARK
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: Oct. 6, 2006
20 Sept 06

BILL LOCKYER, Attorney General
of the State of California


JANA L. TUTON
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2004103710
10272560.wpd

Exhibit A
No. 2005-159

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of the State of California
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Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2005-159

12 **VERLA RENAY CLARK**
5474 North 7th Street
13 Fresno, CA 93710
14 **Registered Nurse License No. 385074**

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about March 31, 1985, the Board of Registered Nursing ("Board")
22 issued Registered Nurse License Number 385074 to Verla Renay Clark ("Respondent").
23 Respondent's license will expire on October 31, 2006, unless renewed.

24 **STATUTORY PROVISIONS**

25 3. Section 2750 of the Business and Professions Code ("Code") provides
26 that the Board may discipline any licensee, including a licensee holding a temporary or an
27 inactive license, for any reason provided in Article 3 (commencing with section 2750 of the
28 Code) of the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.).

1 4. Section 2761 of the Code provides, in pertinent part:

2 “The board may take disciplinary action against a certified or licensed
3 nurse or deny an application for a certificate or license for any of the following:

4 (a) Unprofessional conduct”

5 5. Section 2762 of the Code provides, in pertinent part:

6 “In addition to other acts constituting unprofessional conduct within the
7 meaning of this chapter [the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.)], it is
8 unprofessional conduct for a person licensed under this chapter to do any of the following:

9 (a) Obtain or possess in violation of law, or prescribe, or except as
10 directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or
11 herself, or furnish or administer to another, any controlled substance as defined in Division 10
12 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or
13 dangerous device as defined in Section 4022.

14 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
15 unintelligible entries in any hospital, patient, or other record pertaining to the substances
16 described in subdivision (a) of this section.”

17 6. Health and Safety Code section 11171 provides:

18 “No person shall prescribe, administer, or furnish a controlled substance
19 except under the conditions and in the manner provided by this division.”

20 7. Health and Safety Code section 11173, subdivision (a) provides:

21 “(a) No person shall obtain or attempt to obtain controlled substances, or
22 procure or attempt to procure the administration of or prescription for controlled substances, (1)
23 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

24 8. Health and Safety Code section 11350, subdivision (a) provides:

25 “(a) Except as otherwise provided in this division, every person who
26 possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of
27 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of
28 Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision

1 (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which
2 is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
3 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
4 prison."

5 9. Section 125.3 of the Code provides that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations
7 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 DRUGS

10 10. Section 4022 of the Code provides that the term "dangerous drug" means
11 any drug unsafe for self-use in humans, or any other drug or device that by federal or state law
12 can be lawfully dispensed only on prescription or furnished pursuant to section 4006 of the Code.

13 11. "Lasix" is a brand name for Furosemide, a dangerous drug within the
14 meaning of section 4022 of the Code.

15 FIRST CAUSE FOR DISCIPLINE

16 (Obtaining, Possessing, and Administering a Controlled Substance 17 in Violation of Law)

18 12. Respondent's registered nursing license is subject to discipline under
19 sections 2761, subdivision (a), and 2762, subdivision (a) of the Code, in that on or about
20 December 5, 2002, while on-duty as a licensed registered nurse at Kaiser Permanente Medical
21 Center located in Fresno, California, and as more particularly set forth under paragraph 13 below,
22 Respondent obtained, possessed, and administered Lasix, without a prescription therefor, or any
23 other legal authority to do so, in violation of Health and Safety Code sections 11171, 11173,
24 subdivision (a), and 11350, subdivision (a).

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing the Board issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 385074 issued
5 to Verla Renay Clark;

6 2. Ordering Verla Renay Clark to pay the reasonable costs incurred by the
7 Board in the investigation and enforcement of this case pursuant to section 125.3 of the Code;
8 and,

9 3. Taking such other and further action as deemed necessary and proper.

10 **DATED:** 2/28/05
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14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant
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